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### REMARKS

During a telephone conference on January 21, 2005, Applicants' attorney called Examiner Cooney to advise him that claims 72-75 in co-pending U.S. Application Serial No. 09/974,302 were provisionally rejected for obviousness-type double patenting in view of claims 76-79 of this application. Applicants have enclosed a copy of the Office Action in U.S. Patent Application Serial No. 09/974,302 for the Examiner's ready reference. Applicants have also enclosed a Terminal Disclaimer To Obviate A Provisional Double Patenting Rejection Over A Pending "Reference" Application to obviate any potential double patenting concerns.

In preparing to submit this filing, Applicants discovered that, despite the fact that Applicants forwarded an initial Information Disclosure Statement on August 31, 2001, and received a stamped postcard indicating it was received, the references shown in this initial Information Disclosure Statement had not been initialed by the Examiner as considered and returned with any Office Action. Applicants also discovered that four references were inadvertently not dated on the PTO-1449 form in the originally submitted Information Disclosure Statement. Applicants contacted the Examiner again to discuss the lost Information Disclosure Statement. Examiner Cooney requested Applicants resend the Information Disclosure Statement along with a copy of the postcard indicating it was previously received.

Accordingly, Applicants have also enclosed a copy of the originally filed Information Disclosure Statement citing all of the references submitted on August 31, 2001, as well as a copy of the stamped postcard. Applicants have also included three substitute pages, pages 3, 4, and 7, which add the dates to the references on the PTO-1449 form that were inadvertently not included when those same references were listed in the original Information Disclosure Statement. Applicants request the Examiner initial all of the references to assure these references appear on the face of the patent. All of the references are identical to those submitted along with the original Information Disclosure Statement filed August 31, 2001.

Applicants also wish to inform the Examiner of the following issued patents and pending patent applications for which Applicants have serial numbers, publication numbers, or patent numbers:

- 1) U.S. Patent No. 6,624,244 to Kurth
- 2) U.S. Patent No. 6,465,569 to Kurth

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- 3) U.S. Patent No. 6,180,686 to Kurth
- 4) PCT Application WO 00/15684 to Kurth
- 5) U.S. Patent Application Publication No. US 2004/0029988 A1, published February 19, 2004, to Kurth
- 6) U.S. Patent Application Publication No. US 2004/0034163 A1, published February 12, 2004, to Kurth
- 7) U.S. Patent Application Publication No. US 2004/0102596 A1, published May 27, 2004, to Kurth
- 8) U.S. Patent Application Publication No. US 2002/0121328 A1, published September 5, 2002, to Kurth et al.
- 9) U.S. Patent Application Publication No. US 2002/0058774 A1, published May 16, 2002, to Kurth et al.
- 10) U.S. Patent Application Publication No. US 2002/0119321 A1, published August 29, 2002, to Kurth et al.
- 11) U.S. Patent Application Publication No. US 2003/0191274 A1, published October 9, 2003, to Kurth et al.
- 12) U.S. Patent Application Publication No. US 2002/0090488 A1, published July 11, 2002, to Kurth et al.
- 13) U.S. Patent Serial No. 10/843,943, filed May 12, 2004, to Kurth et al.
- 14) U.S. Patent Serial No. 11/042972 (unofficial), filed January 25, 2005, to Kurth et al.
- 15) U.S. Patent Serial No. 11/042980 (unofficial), filed January 25, 2005, to Kurth et al.

Finally, Applicants have changed claim 82 to explicitly state, in a wherein clause, that the reaction product of the crude vegetable oil and the second polyol is blown to form the “blown modified crude vegetable oil.”

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If the Examiner has any questions or concerns, he is invited to telephone Applicants' attorneys, Todd A. Van Thomme or Steven L. Underwood, at 616-949-9610 at his convenience.


Respectfully Submitted,

THOMAS M. KURTH ET AL.

By: Price, Heneveld, Cooper,  
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2/23/2005  
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